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July 28, 2020

By ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *In re Terrorist Attacks on September 11, 2001*
03 MDL 1570 (GBD) (SN)

This document relates to:

Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al., Case No. 02 Civ. 6977
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03 Civ.
9849
Federal Insurance Co., et al. v. Al Qaida, et al., No. 03 Civ. 6978
Continental Casualty Co., et al. v. Al Qaeda, et al., No. 04 Civ. 5970
Euro Brokers Inc., et al., v. Al Baraka, et al., No. 04 Civ. 7279
Estate of John P. O'Neill et. al., v. Al Baraka et. al., No. 04 Civ. 1923

Dear Judge Netburn:

We are writing to bring to the Court's and the parties' attention a recent claim made by a former employee of our client, Yassin Kadi, to Mr. Kadi's Saudi and London counsel, related in part to Mr. Kadi's document production in this case. The former employee, Essam Al Khatib, worked at the Kadi establishment beginning in 2011 and left in late 2019 suddenly and without notice. It was later discovered that he appears to have stolen money from the Kadi establishment both by outright theft and by forgery. Mr. Al Khatib's whereabouts are unknown to Mr. Kadi.

In his recent communications with Saudi and London counsel, Mr. Al Khatib asserted that he is in possession of various Kadi family and business documents, including some

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with information he claims is damaging and relates to this case. He claims that in 2015 he withheld, and failed to send to Guy Martin, Mr. Kadi's London counsel, a large portion of the documents that Mr. Martin had seen during a visit to Jeddah that year, identified for further review, and requested be scanned and transmitted to Mr. Martin's London office. Mr. Al Khatib threatens to disclose these documents unless he is paid EUR 50,000 that he alleges is due him. He has directed these extortionate threats at Mr. Kadi and other Kadi family members.

The thrust of Mr. Al Khatib's assertion is that documents that should have been produced in this case were withheld in Jeddah. We are confident that this is entirely false. Mr. Martin is confident, and will submit a declaration to this effect if necessary, that based on the volume of scanned images received by him in London following his visit to Jeddah in 2015, he did in fact receive all the documents that he had designated, while in Jeddah, to be scanned and sent to London. The percentage that Mr. Al Khatib claims was withheld, and that he claims he possesses, corresponds roughly to the volume of documents Mr. Martin reviewed but determined were not even arguably responsive to Plaintiffs' document requests and did not need to be reviewed further in London or by my partner and me.

Because Mr. Al Khatib's extortionate allegations, threats, and other criminal conduct are motivated by greed, and are inconsistent with Mr. Martin's clear recollection that he received all of the documents he had designated, they are not credible and we do not believe any further action is required. Due to the nature of the allegations, however, we thought that we should disclose them to the Court and the parties.

Respectfully,

s/

Peter C. Salerno

cc by ECF: All Counsel